

the USPTO issues a recalculation of the PTA on remand, whichever is earlier. Plaintiff may seek relief from the Court if the USPTO does not act within one hundred eighty (180) days.

Furthermore, if any outstanding issues remain for adjudication in this lawsuit after remand, Plaintiff shall be required to notify the Court within thirty (30) days of filing of the USPTO's notice. If Plaintiff does not notify the Court of any outstanding disputed issues within this thirty (30) day period, the parties agree that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the action shall be dismissed with prejudice, with each party to bear its own costs and fees.

SO ORDERED.

Entered this 24th day of January, 2013.

/s/
Gerald Bruce Lee
United States District Judge
United States District Judge